

Declaratory Res. No. 479-1924  
Opening and extending  
of Berley St. from Monroe  
St. to Francis St.

Adopted - Jan. 24, 1924

ALL ACTION RESCINDED

November 7, 1929

DECLARATORY RESOLUTION NO.

479-1924.

For the opening and extending of Berry Street from Monroe Street to Francis Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to open and extend Berry Street from Monroe Street to Francis Street to a width of fifty (50) feet.

All as shown by a plan of such proposed opening and extending of Berry Street now on file in the office of the Department of Public Works of said City.

Said opening and extending as above described to be made by condemning and appropriating for street purposes the following described tracts of land:

A strip of land lying south of a line that is fifty (50) feet north of and parallel to the now existing north line of Moran's Subdivision of Lots Numbered 24, 25, 26 and 27 Taber's Addition and Taylors Subdivision of Lots Numbered 387 and 386 Hanna's Addition, and said line fifty (50) feet north of said subdivisions produced north west to the west line of Monroe Street produced north, and the said line produced southeast to the east line of Hanna Street produced north; Also a strip of land extending from Hanna Street to Francis Street lying south of a line that is twenty-five (25) feet north of and parallel to the south property line of the New York, Chicago and St. Louis Railroad Company. The above described twenty-five (25) line from the west line of Francis Street to be produced northeasterly to its intersection with the north line of Erie Street; also the north eleven (11) feet of Lots Numbered 371, 370, 369, 368 and 367 Hanna's Addition as now existing; also the north twenty-five (25) feet (at right angles to the south line of said Railroad Company's property) of Lots Numbered 372, 373 and 374 Hanna's Addition as now existing.

The property which may be injuriously or beneficially affected by the proposed opening and extending of Berry Street as above described is described as all lots and parcels of land not occupied by streets and alleys lying south of the alley north of Berry Street and said alley extended east and west from Thieme Drive to the Maumee River and south of the Maumee River from the said alley extended east to Anthony Boulevard, West of Anthony Boulevard, North of the alley south of Erie Street from Anthony Boulevard to the alley west of Francis Street, north of Wayne Street from the alley west of Francis Street to Monroe Street, North of the alley south of Berry Street from Monroe Street to Thieme Drive, and East of Thieme Drive.

All of the above described streets and alleys and lots and lands affected by the above described opening and extending of Berry Street being situated in Sections 1, 2 and 3, Township 30 North, Range 12 East and within the corporate limits of the City of Fort Wayne, Indiana.

Adopted this 24th day of January 1924.

Attest:

*Audrey C. Kip*  
Secretary-Clerk  
Board of Public Works

*John B. Kip*  
*Otto Beegs*  
*James J. Rosius*  
Board of Public Works.





## PETITION

Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and citizens of Ft. Wayne, Indiana, directly interested, <sup>from</sup>

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the west property line of Francis Street.

Frank J. Fiegel

1228 Monroe Ave.

Frank J. Fiegel

2123 Berry Street

Frank J. Fiegel

1314 Fisher St.

Frank J. Fiegel

1224

Frank J. Fiegel

1102 Duane

Frank J. Fiegel

1125 Ohio St.

Frank J. Fiegel

809 Forest Ave.

Frank J. Fiegel

1422 Monroe

Frank J. Fiegel

1158 Cedar St.

Frank J. Fiegel

1316 Cedar St.

Frank J. Fiegel

627 E. Wayne St.

Frank J. Fiegel

1124 S. Webster

Frank J. Fiegel

1407 S.

Frank J. Fiegel

1021 W. 5th St.

Frank J. Fiegel

1202 D St.

Frank J. Fiegel

1128 Monroe Ave.

Frank J. Fiegel

901 Madison

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## Petition for Passage

of a Resolution for

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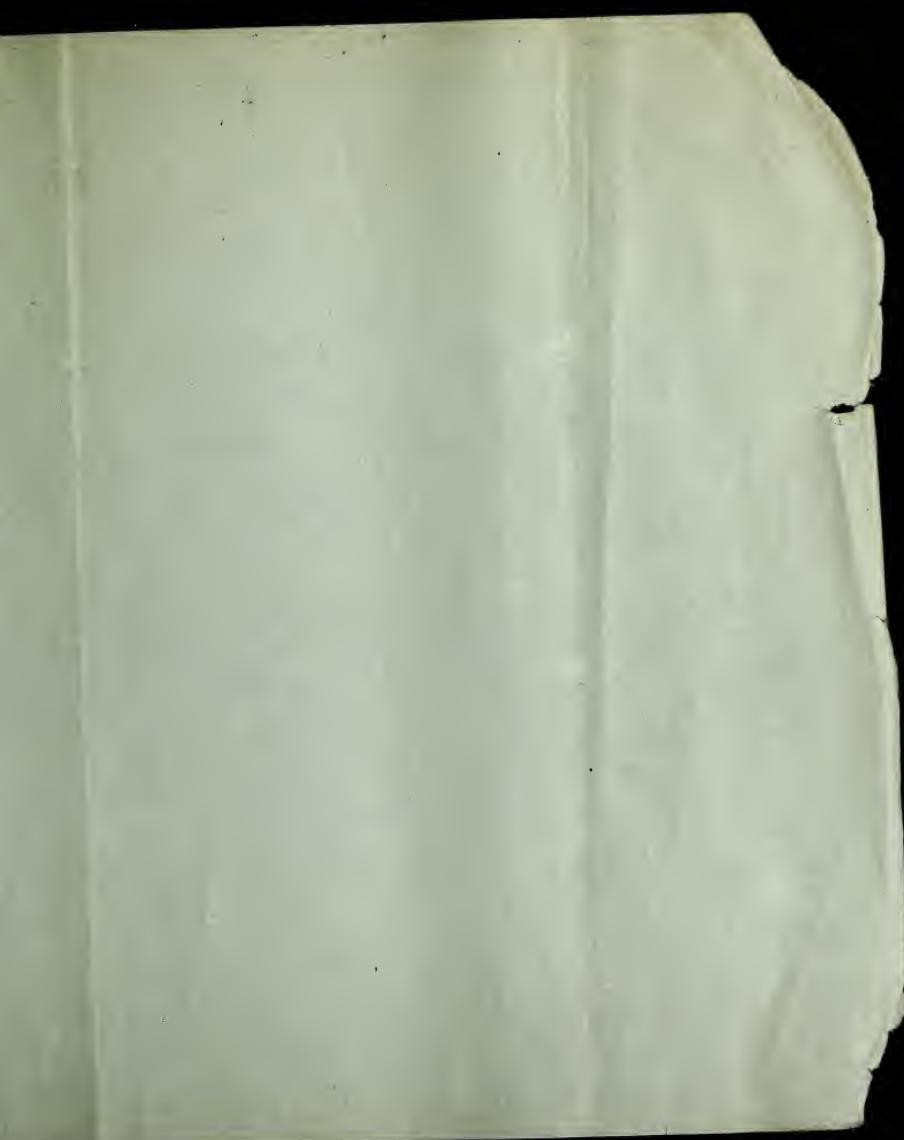
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from.....

to.....

---

Filed with the Board of Public Works



Supplementary to Resolution #479  
for opening and extending of Berry  
Street from Monroe to Francis Street.

Fort Wayne, Ind., January 18, 1927.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate, tax-payers and citizens of Fort Wayne, Indiana, whose signatures with others were given on petition heretofore presented to The Board of Works of Fort Wayne, herewith file a supplementary to Resolution 479 for the opening and extending of Berry Street from Monroe to Francis Street, which resolution was adopted January 24, 1924.

Attached hereto are three blue prints being exact and true copies of three different plattings of Record in the Allen County Recorder's Office, same being as follows:

Lots bordering Canal Street in Taber's Addition, Deed Record A, Page 451; Moran's Subdivision of Lots 24, 25, 26 and 27 Taber's Addition, Deed Record 58, Page 200; Taylor's Subdivision of Lots 387 and 386 Hanna's Addition and Taber's Addition, Deed Record 66, Page 267.

The Board of Works in years past have vacated Canal Street from Clay to Berry Streets as indicated in red pencil on blue print for Taber's Addition. Canal Street from Berry Street east has never been vacated and remains of great importance for the opening and extending of the thoroughfare on to Francis Street and connecting with Erie Street.

The blue print showing survey of land from Fort Wayne to New Haven is also herewith attached. Property owners east of the city are now circulating petitions for the opening of roads on both sides of the Maumee River. These latter roads must positively come in the future and the opening and extending of Berry Street to Erie Street will serve a most important through street for the proposed roads which will lead into Fort Wayne and make close connections with Erie Street at Anthony Boulevard.

We are praying that the Resolution adopted by the Board of Works remain in force and that the street be opened at the first possible opportunity.

Very respectfully submitted,

Henry W. Danner

Frank A. Schwamm

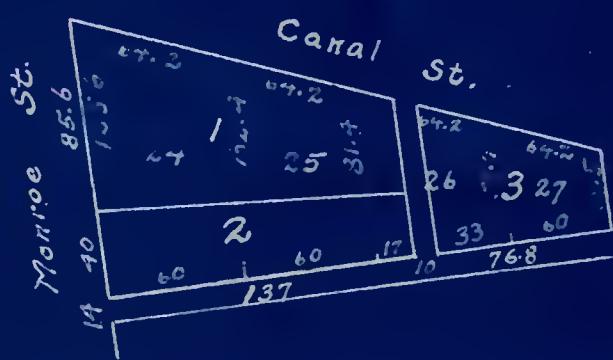
Taber's Addition



---- Streets are all 66 ft wide except Canal St which is 30 ft wide ----

-- All scaled 100ft to back --

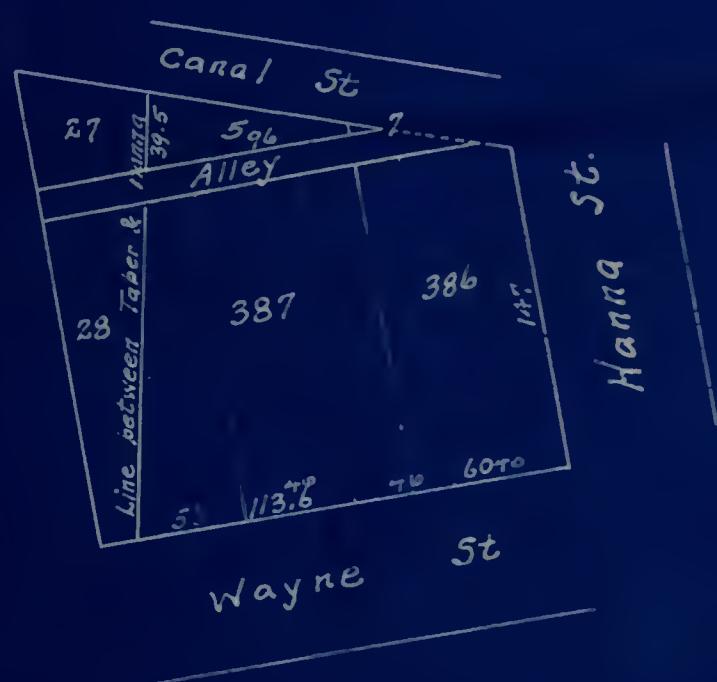
Moran's Subdiv  
Lots 24, 25, 26 & 27 Taber's Add.



Deed Rec. 58 p. 200.

17

Taylor's Subdiv.  
Lots 387 & 386 Hanna's Add  
and Taber's Add.



Deed Rec. 66 p. 267.

17

#4 Lagoon Haven

170

Processing & Pending  
of Berry & P

Received & Placed  
on File

NOV 9 1920

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CITY OF FORT WAYNE-INDIANA

DEPARTMENT OF PUBLIC WORKS  
ROOM 2 CITY HALL

WILLIAM BECK, PRESIDENT  
TOM SNOOK  
W. S. O'ROURKE  
A. E. DIEK-SECRETARY

REGULAR MEETINGS  
TUESDAYS AT 10 A. M.  
THURSDAYS AT 7:30 P. M.

FORT WAYNE, IND.,

October 22nd, 1929.

DECLARATORY RESOLUTION NO, 479.

MODIFIED - October 22nd, 1929

MODIFIED TO READ: To a width of 30 feet.

All Action Rescinded

Nov. 22-1929.

See Dec. 620. nov. 7th 1929

*Pls*  
**CITY OF FORT WAYNE, INDIANA**

**LEGAL DEPARTMENT**

**GUY COLERICK  
CITY ATTORNEY**

Nov. 27th 1922.

Board of Public Works,  
City.

Gentlemen:

I have investigated your right to open or extend Berry Street east under petition now pending before you. The statute in describing your power gives you the right to open streets over and across railroad rights of way.

If you decide to extend this street, it will be necessary for you to make the railroad company a party to the proceeding.

It is for you to determine whether or not the location of a street as contemplated in the petition will be totally inconsistent with the use of the same ground by the railroad company.

If you decide that the laying out of this street will so totally destroy the use of the ground for railroad purposes, then you have no right to proceed further in the matter.

On the other hand, if you decide that the laying out of this street will not totally destroy the use of the ground for railroad purposes then you may proceed but, in that event, you must determine the damage that will be sustained by the railroad company and include that damage in your assessment roll of benefits and damages.

If you decide to grant this petition and proceed with the opening or extension of the street, it will be better for you to notify me at the time each step in your proceeding is taken, so that I may aid and assist you in the preparation of your record.

Respectfully submitted

*Guy Colerick*  
Guy Colerick  
CITY ATTORNEY

479

## PETITION

Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and citizens of Ft. Wayne, Indiana, directly interested, from

to

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the west property line of Francis Street.

B. W. Mohrman

Chas. J. Kramer

Walter H. Nord

Edward H. Schleyel.

Walter H. Nord

Gro. D. Schaeffer

J. M. Burcham

John F. Thompson

W. F. Tammey

H. A. Rodenbeck -

August G. Mering Jr.

J. F. Borchardt

Marten Ass.

J. A. Griffis

H. L. Miller

C. L. G. Gandy

J. T. Andrews.

H. B. Wilcox

Haworth House Inc.

B. W. Walter

E. J. Fries

Frederick H. Jaekel

E. G. Faehnle

Albert Joyce

J. J. Johnson

J. J. Johnson

John G. Schaeffer

Chas. E. Foster.

# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

## PETITION

Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and citizens of Ft. Wayne, Indiana, directly interested, ~~Frank~~

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the West property line of Francis Street.

John Maesbe  
Foster W. Brown  
Edwin G. Miller  
Hesling Meeks  
H. W. Johnson  
John C. Fielding  
Albert Karsner  
Police Building  
James W. Linker

# Petition for Passage

of a Resolution for

from \_\_\_\_\_  
to \_\_\_\_\_

Filed with the Board of Public Works



# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

|                      |                    |
|----------------------|--------------------|
| J L Cattoz           | 1304 Milwaukee     |
| A C Hester           | 1241 E Wash.       |
| Miss Alma Kneebelen  | 1001 E. Lewis St.  |
| L. P. Scherer        | 1232 Oak St        |
| of Sarvergin         | 1007 Liberty St    |
| George L. Roway      | 1208 Erie St       |
| E. M. Smick          | 1336 - E. Wayne St |
| C Lawe               | 1208 Erie St       |
| John Darragh         | 1405 Erie St       |
| Wm. C. Peppenbush    | 1606 E. Lewis St.  |
| Edwin Peppenbush     | 1606 E. Lewis St.  |
| August Schenck       | 1219 Erie          |
| Magdalene Schenck    | 1225 Riverwest Ave |
| C J Thim             | 903 Riverwest Ave  |
| H. H. Klaasen        | 1109 Liberty St.   |
| William P. Licktegan | 1408 Foawer St     |
| Ray Lauer            | 1110 Erie St.      |
| Louis Ramm           | 713 Lombard        |
| Chas. F. Horning     | 1218 Erie St.      |
| Ed. L. Engallking    | 1607 E. Wayne St   |
| Louis Roemer         |                    |

Johns 1025 Market St  
Joe Stahn 2021 1/2 Washington  
A. Baum 1208 Liberty  
J. C. Baum 1235 Howard St.  
Herman Hollmann 1227 E. Wash St.  
Gust Quinlan 809 Farmer St.  
Abeyrada 1010 Glasgow St.  
George W. Bab 8th  
C. F. Kaylor 803 Farmer St.  
W. R. Payne 803 Farmer St.  
C. A. [unclear] 910 Erie St. + Post  
George W. Shauahan 914 Erie St.  
Aug W. Busse 916 Erie St.  
Frank C. Neher 916 Erie St.  
Mrs H. F. Schulte 920 Erie St.  
Mr H. F. Schulte 920 Erie St.  
H. Romine 930 Erie St.  
Mrs. H. Romine 930 Erie St.  
Mrs J. S. Mason 932 Erie St.  
Mrs. C. Bremer 812 Begue St.  
Mrs A. Frader 950 Erie St.

George H. Flieg 1114 Erie St

Simon B. Sandyberry 1116 Erie St  
Mrs. K. Foy 1110 Erie St.

Mr. & Mrs. G. J. Knobley 1108 Erie

Mrs. Mrs. Deane 1108 Erie

Mr. & Mrs. Gorden Parish 1109 Erie

Mr. & Mrs. H. A. Perry 1113 Erie St.

Mr. & Mrs. A. Russell 1111 Erie St.

Mr. & Mrs. H. J. Keyes 1211 Erie St.

Mr. & Mrs. J. S. Rosary 1207 Erie St.

Mrs. Mrs. Clark 813 Canal St

Mr. Edw. Engeling 1215 Erie St.

Mr. & Mrs. Engeling 1218 Erie St.

Mr. F. Lucas 1322 Erie St

Mr. R. P. Johnson 1324 Erie St

Mr. Edw. Kuhl St. 1029 Liberty St.

Miss Edna Kuhl 1029 Liberty St.

Mr. Allen Daniels 933 Erie St.  
Mr. Michael J. Keller 953 Erie St.  
Mr. & Mrs. J. L. Johnson 947 Erie St.  
Mr. & Mrs. J. W. Winter 741 Erie St.  
Mr. & Mrs. Ernesto Bunn 943 Erie St.  
Mr. & Mrs. J. W. Winter 943 Erie St.  
Mr. Michael Bernstein 939 Erie St.  
A. J. Conestee 933 Erie St.  
Mr. William Moore 929 Erie St.  
Mr. Louis Wagner 723 Erie St.  
Mrs. Lucy Keller 901 Erie St.  
Mr. & Mrs. John G. Johnson 1004 Erie St.  
Mr. & Mrs. John G. Johnson 1004 Erie St.  
Mr. & Mrs. John G. Johnson 1010 Erie St.  
Mr. & Mrs. Frank Ross 1018 Erie St.  
Mrs. & Mrs. John L. Lauer 1026 Erie St.  
Mrs. Lawrence J. Lauer 1026 Erie St.  
Michael L. Lauer 812 Lombard  
Mrs. & Mr. Louis A. Parrot 1216 Erie St.  
Mrs. & Mr. Andrew T. Dickerson  
Mrs. & Mr. Anthony G. Bangert 1118 Erie St.

4871

Mrs W. Jones 1326 Erie Street  
Mrs. Cleary 1330 Erie St.  
Mrs. H. Hayes 1334 Erie St.

Mr. Filler 1335 Erie St.

C. W. Filler " "

A. A. Filler " "

L. R. Filler " "

W. C. Filler, Brothers 1333 Erie St.

Frank B. Boland 1333 Erie St.

Carrie Boland 1333 Erie St.

Frederick Buff 1308 Erie St.

J. Edward Buff 1308 Erie St.

J. C. Crotch 1315 Erie St.

Koda (Kwak) 1315 Erie St.

Mrs. Cleaura Aukerbruck 1307 Erie St.

Bar J. Aukerbruck 1307 Erie St.

Geo. Aukerbruck 1307 Erie St.

Lawrence P. Aukerbruck 1307 Erie St.

Mrs. Lawrence P. Aukerbruck 1307 Erie St.

Daniel Palmer 1025 Liberty St.

Sam G. Coffman 1025 Liberty St.

Mr. Indra, Swami 1019 Liberty St.

Mr. " " 901 Liberty

Mrs. Jones 901 Liberty

Theo C. Hargraves 1011 Liberty St  
Augusta Baumgir 1017 Liberty St  
Mrs Mary J. Guillot 1003 Liberty  
Mr Earl Busch 1005 Liberty  
Dr. T. Y. James 1007 Liberty St  
Mrs Frank Schmid 1019 Liberty St.  
Mrs A. D. Freedman 1019 Liberty St.  
Mrs Erewig 1018 Liberty  
H. Weddman 1022 Liberty St.  
Mrs. C. H. Park 1028 Liberty St.  
Mrs Sausberg 1030 Liberty St.  
Mr J. A. Weddman 1309 Erie St  
Mrs Minnie St. Leger 1317 Erie St  
Orval O. Bubaker 1323 Erie St.  
Clarence A. Cook 1218 Liberty St.  
Mrs. C. A. Cook 1218 Liberty St.  
Adolf Wissmann 1218 Liberty St.  
Clinton J. Krantz 1204 Liberty St.  
E. Rosenblumge 129 Liberty St  
Candy Rosenblumge 129 Liberty St  
Mrs John Schmid 1114 Liberty St  
Mrs Henry Kessen 1112½ Liberty St  
Dr Henry Evans 1107 Liberty St

Henry F. Lichten 1119 Liberty St  
Mrs Henry F. Lichten " "  
Howard P. Clement 1201 Liberty St.  
Mrs H. P. Clement 1201 " "  
Mr J. F. Romany 1207 Liberty St.  
Mrs A. M. Romany 1207 Liberty St  
Mrs Fred W. Madden 711 Canal.  
Mr Fred W. Madden 711 Canal.  
Ernest ~~etc.~~ 1214 Liberty St

174 Names

Frank A. Silvamore

174 Names

## PETITION

*Fort Wayne, Ind.,*

**To the Board of Public Works of the City of Fort Wayne:**

**Gentlemen:**

*The undersigned, owners of real*

estate and citizens of Fort Wayne, Indiana, directly interested, from

xxix

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the West property line of Francis Street.

W. H. Aikenbruck 514 E. Washington St  
H. H. Greenberg 507 E. Washington St  
Miles of Greenberg 227 E. Berry St.  
Al Rose 221 E. Berry St.  
Nat Rachell 816 Madison St

One D Bank  
H D Halstein  
17 The Dime Savings and Trust Co.  
524 E. Wash.

Halstein 524 G. Wash.  
Marris Ferry 1025 8 square ft  
Ch. Ferry 524 8 square ft  
Mrs. C. H. Hedges 7520 W. Drive  
Fred H. Fischer 7151 E. Wagner St.

Mr. L. Page 223 E. Wayne St.  
William Pulliam 1852 Wayne St.  
Arthur Rose 1728 Florida Street.

Arthur Rose 1928 Florida drew.  
Mr. Rose

Mr. Wagnleitner 1705 Alabama Ave  
11-18-61

W. C. Babbitt 1918 Lodge Ave.  
Jacob Agne 1222 Delta Blvd.

Suburb May 1960 - 229 E. Main St.  
A. H. Hesmerer - 730 E. Wayne St.

A. D. Reshiner - 730 E. Waino St.  
~~Geo. Decker~~ 1015 E. Washington

2107 Cross Center Dr  
Pomisate Auto Co

10 Jonsatte Auto Co  
2312 Forest Park Blvd.

and E. W. G. am  
Geo. F. Miller 623 Laura St.  
1129 Gardner St.

Geo. F. Miller  
Geo. Thain 1129 Garden St.  
1037 Lake Ave.

702 7th St.  
A. Smith 710 4th Wayne St.

710 W Wayne #  
235 W Washington  
E B D

Stephen Weber  
132 E. Berry St.  
1011 Lake Ave

1011 Lake Ave  
1307 Erie St.

1614 " " 1031 *Colinus* *leucopogon* *leucopogon*

# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

Robert Koerber 1816 Forest Park Blvd.  
Anna Elfrine 1803 Forest Park Blvd.  
G.H. Frine 1719 " " "  
Albert H. Keller 1201 E. Wayne St.  
Maggie Deibel 933 Erie St.  
Sam. H. Deibel 1591 E. Wayne St.  
" G. Lee Pearson 930 E. Wayne St.  
Clara A. Lee 1117 E. Wayne  
Ida J. Davis 923 E. Wayne St.  
Flora Johnson 1009 E. Wayne  
Q. H. Wayne 1009 E. Wayne  
Luree Frine 1326 Erie  
Sophia Main 1027 E. Wayne  
E.M. Baltes 1630 Forest Park Blvd

## PETITION

Fort Wayne, Ind.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and citizens of Ft. Wayne, Indiana, directly interested, from

to

respectfully petition for the passage of a resolution providing for the opening and extending of property line of Monroe St. to the West property line of Principia Street.

Frank W. Cook  
 E. C. Cook  
 A. G. Lane  
 G. T. Price  
 Frank H. Brekke  
 W. H. Brink  
 Chester Cook  
 Chas. H. Polhamus  
 Geo. E. Snyder  
 F. J. Sierla  
 W. J. Lamp  
 W. H. Reider  
 R. H. Polhamus

1829 California Ave  
 234 E. Columbia Ave  
 616 Barr St.  
 1326 E. Wayne St  
 621 Barr  
 1322 W. Market St.  
 1305 E. Welch St  
 617-19 Barr St  
 1111 Leroyant  
 719 Fulton  
 326 Wallace St  
 2029 Lincoln Blvd.  
 1201 Franklin Ave

# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

## PETITION

Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and citizens of Ft. Wayne, Indiana, directly interested, from

to

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the east property line of Monroe Street to the west property line of Francis Street.

Otto P. Bissel  
 M. B. Farmer  
 B. M. Popp  
 W. A. Wittle  
 James A. Turner  
 J. H. Trulline  
 C. H. Kepler  
 Paul H. Krauss  
 W. H. Rohan  
 H. Bergfrefe  
 J. C. Hawk  
 J. H. Steward  
 J. H. Steward  
 W. M. Seedy  
 J. A. Stetnick  
 J. H. Farmer  
 Ralph A. Markay

1573 Edgewater Ave  
 1208 - Columbia Ave  
 930 Riverine  
 1511 California Ave  
 239 W Lewis St  
 820 Favina Ave  
 1014 Columbia Ave  
 1917 Florida Drive  
 2421 S. Maagland Ave  
 506 Archer Ave  
 1508 Wabash Ave  
 526 Dayton Ave  
 1227 W. Wayne  
 1009 Edgewater Ave  
 938 Columbia Ave  
 402. W. Vista St.  
 4107 Arlington Ave

# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

## PETITION

Fort Wayne, Ind.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and Citizens of Ft. Wayne, Indiana, directly interested, ~~for~~

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the West property line of Francis Street.

J. F. P. ~~Johnson~~

G. B. Pausch.

G. F. Pausch  
C. H. Faehis

Geo F. Jerome

L. P. Faehis  
Hall Stahl

532 E Wayne St.

# Petition for Passage

of a Resolution for

from.....  
to.....

Filed with the Board of Public Works

## PETITION

Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and citizens of Ft. Wayne, Indiana, directly interested, from

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the West property line of Francis Street.

|                   |                     |
|-------------------|---------------------|
| Henry J. Clegg    | 1207 E Wayne St     |
| Lois and Odell    | 1213 Erie St        |
| John W. Meyer     | 1025 E. Wash St     |
| H. J. Strock      | 1211 Erie St        |
| Sammy L. Hischler | 1026 East Oliver St |
| Wm F. Lang Jr.    | 1006 Grand St       |
| St. G. Farn       | 1101achman St       |
| K. H. Hayes       | 111½ Erie St.       |
| John Denzel       | 1107 E Wayne St.    |
| C. T. Strawbridge | 1019 E Wayne St.    |
| John H. Smith     | 1403 E Wayne St.    |
| Ernest Ordin      | 1108 Erie St.       |
| Harry Preest      | 1617 Elmerata Ave   |
| and W. Leidolf.   | 1213 E. Wayne St    |
| Charles H. Daffey | 1009 Erie St        |
| Carl B. Inckebuck | 1015 Liberty St.    |

# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

## PETITION

Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and citizens of Ft. Wayne, Indiana, directly interested, from

to

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the West property line of Francis Street.

Dennis Gorman

Galvin Black

W.A. Sheets

Lucile Lancaster

C.H. Harrow

Wm. W. Fife

Clyde Black

Linton &amp; Randall

Wingard &amp; Spalding

W.W. Snick

Marrow, Weston &amp; Sons

Bro. Delmer L. Ditch

Leonard H. Schre

Margaret - Classonier

Grace Dr. 11 April

Architect

Adolph Deich

Leroy Gorman

Jesse G. Luntz

Bertha Harper

Petition for Passage  
of a Resolution for

from

to

Filed with the Board of Public Works

## PETITION

*Fort Wayne, Ind.*

**To the Board of Public Works of the City of Fort Wayne:**

*Gentlemen:*

*The undersigned, owners of real estate, and Citizens of Ft. Wayne, Indiana, directly interested* *REGRAN*

*respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the West property line of Francis Street.*

# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

August Scharpenberg  
Andrew ~~W~~  
J. A. Gruenther.  
Otto Wiesenberg  
H. H. Hause  
J. L. Yorks  
J. C. Thunman  
John K. Lieblich.

Aug Brase  
Char Watson  
Frank A. Roger.  
Fried. J. F. S.  
Frank R. Thomas.  
E. H. Leibert  
Wm. Gerse  
Les A. Stump

W. Schulte  
R. Trumbauer  
F. J. Lomnicki  
J. C. Cooling  
F. O. Gillery  
J. M. Mather

## PETITION

Fort Wayne, Ind.,

**To the Board of Public Works of the City of Fort Wayne:**

Gentlemen:

*The undersigned, owners of real estate and Citizens of Ft. Wayne, Indiana, directly interested, from*

*to*

*respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the West property line of Monroe Street to the West property line of Francis Street.*

*Charles F. Miller  
George H. Miller  
John. Young  
F. P. Payton*

# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

## PETITION

Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and citizens of Ft. Wayne, Indiana, directly interested ~~in~~ <sup>in</sup> the

tax

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the West property line of Francis Street.

Collinsfield 2115 California Ave.  
W. H. Chapman 724 Parrot Place

O. J. Keen 2210 N. S. St.

F. Stenger 1509 E Wayne St

H. L. Rekire Florida Drive State Sts

C. B. Hopper 2015 Sager Ave

W. M. 2103 Crescent Ave.

Frank G. Barnes Mayfield Theatre

H. G. Bodine 2205 Alabama Ave.

J. S. F. Young 524 W. Wayne St

George H. Brown 1007 Lake Ave

W. M. Cott 352 West Wayne

B. R. Plummer 210, 1115 Garden St

E. H. Clegg 225-25 Woodland

A. B. Townsend 2501 Woodland Ave

F. D. Dorsey 206 Douglas Ave

H. L. Parker 932 Lincoln Ave

Jasmine 810 N. Berry St

H. P. O'Connor 435 E. Wayne St.

J. F. Lammill 1110 W. Wayne

A. B. Bartholomew 1909 Kensington

John Stillman

Chas. W. Lang 273x No. Clinton St

Mary E. Stetke 353 W. Woodland

B. M. S. Traum 702 W. Wilwood

W. A. Ford 129 E. McRae

H. P. Stetche 2520 Broadway

F. L. Jones Wildwood Park

E. L. Hoffman Hickoryhurst

W. P. Mossman 28 Clinton St.

R. M. Niles 1202 Warren St.

D. E. Davis 536 W. Wayne St

Edward M. Wiesen 525 W. Wayne St

B. C. Coffutt 1134 W. Berry St

W. G. Green 822 Wildwood Ave

E. G. Brinkman 7870 Fairfield Dr.

E. G. Brinkman 827 Kinnard



# Petition for Passage

of a Resolution for

from

to

Filed with the Board of Public Works

|                       |                        |
|-----------------------|------------------------|
| May Janscher          | 2103 Forest Park Blvd. |
| Mr Beck               | 2219 " " "             |
| Luis Ohnschau         | 813 Fulton St          |
| C. W. Strauss         | 339 W. Berry St.       |
| Georgi Bisch          | 607 Shoaff Building    |
| A. Janscher           | 2134 Florida Drive     |
| M. Bant               | 905 Wildwood Ave       |
| Albert E. Bulson, Jr. | 406 West Berry St.     |
| Victor Miller         | 426 Whiting Bldg.      |
| Karl L. Eddy          | med arts Bldg.         |
| G. Schinnerer         | 435 E Wayne St         |
| Charles J. Scott      | 301 Medical Arts Bldg  |
| Dr. S. Reibel         | 345 E Wayne            |
| H. L. Van Meter       | 919 Shoaff Bldg.       |
| Harry W. Dupper -     | 817 E Wayne St         |

## PETITION

*Fort Wayne, Ind.,*

**To the Board of Public Works of the City of Fort Wayne:**

Gentlemen:

*The undersigned, owners of real estate and Citizens of Ft. Wayne, Indiana, directly interested, from*

respectfully petition for the passage of a resolution providing for the opening and extending of  
Beverly street from the west property line of Orange street to the west  
property line of Francis street.

Edward J. True 1112 - 1118 Maumee Ave ~~1112-1118 Maumee Ave~~  
Thel E. Kragh 2826 Hoagland  
Albert O. Pele 341 W. Wilson St  
C. J. Fairweather 1028 Maumee Ave.  
Ed Johnson 4026 Indiana Ave.  
~~W. W. Morris~~ 415 E. Main  
Ed K. Woodall ~~Woodall~~ Indiana Ave  
H. H. Poole 218 West Brighton Ave  
E. F. Scheumann ~~2429~~ Calhoun Street  
F. H. Warden 625 W. Wayne  
~~W. H. May~~  
~~Pass & Dulie~~ 426 Acadia Court  
~~W. Barber~~ 2216 Hanna St.  
1316 W. Wayne St  
Kenneth Ely 1601 E. Washington St  
Franklin Klos 901 Crescent Ave  
W. C. Wade 937 High Street  
F. C. Jaynes 120 E. Bourget Ave.  
J. S. V. ~~is~~ 215 ~~and~~ 149  
W. F. Walsh 172 E. Russell Blvd  
Off. G. R. Klemmer 131 E. Berry St  
Lou C. Kaiser 131 E. Berry St.  
Bea & Robinson 225 E. Berry St.  
Harry Komisarow 1202 E. Washington St  
Henry Baum 1726 California St  
Herman Korn 1027 E. 16th St  
Sam Goldstein 2405 Florida Dr.  
Louis M. ~~cont~~ 1106 Erie St.

# PETITION

Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate and Citizens of Ft. Wayne, Indiana, directly interested, <sup>from</sup>

to

respectfully petition for the passage of a resolution providing for the opening and extending of Berry Street from the East property line of Monroe Street to the West property line of Francis Street.

|                  |                     |
|------------------|---------------------|
| W. H. Day        | 2309 Anthony Blvd.  |
| J. J. Rose       | 1728 Bayard Ave.    |
| R. H. Gabel      | 1412 Dodge Ave.     |
| W. C. Johnson    | 1119 Lake Ave.      |
| J. V. Cochran    | 1695 E. Water       |
| H. T. Johnson    | 802 Francis St.     |
| J. R. Saldino    | 1026 Rivermont Ave. |
| J. H. Brubaker   | 2010 Francis St.    |
| J. H. Sanders    | 1004 Delaware       |
| A. R. S. Johnson | 1019 Lake Ave.      |
| Reuben J. Bayes  | 825 Edgewater Blvd. |

 SINGMASTER PRINTING CO. FORT WAYNE, INDI.

BEFORE THE BOARD OF PUBLIC WORKS

OF THE

CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA.

REMONSTRANCE of the Peter A. Moran Ice Company, of the city of Fort Wayne, Allen County, Indiana, and of Frank J. Callahan against the adoption and confirmation of resolution reported to be adopted by the Board of Public Works on the 24th day of January, 1924, also against the opening and extension of Berry Street from Monroe Street to Francis Street, as is provided for in said resolution.

The said Peter A. Moran Ice Company and Frank J. Callahan remonstrate against said resolution and confirmation of the same and the opening and extending of Berry Street from Monroe Street to Francis Street for the following causes and reasons, to-wit:

Your remonstrators would respectfully show that the said Peter A. Moran Ice Company is now located at #801 Monroe Street in the city of Fort Wayne, Allen County, Indiana, and is directly adjoining and running parallel with the proposed opening of Berry Street from Monroe Street to Francis for a distance of 349.7 feet, commencing at the southeast corner of the point where it is proposed to open said street as aforesaid, and running directly east for 349.7 feet as aforesaid. That the main building which is used by the Peter A. Moran Ice Company for the purpose of manufacturing ice is located at a point running parallel with the proposed opening of said street, commencing 116 feet east of Monroe Street and running directly east over a space of 218 feet. That the said Peter A. Moran Ice Company has been located and established in said location for a period of sixty-three (63) years last past. That the said remonstrator, Frank J. Callahan, is now the sole owner of both the real estate and the business of the said Peter A. Moran Ice Company, and as such, both on behalf of this company and himself, personally remonstrates against the opening of said street as aforesaid.

Your remonstrators would further show that the said Peter A. Moran Ice Company is engaged in the manufacture and sale of artificial ice as well as the sale of natural ice, and that in connection therewith maintains a side track known and specified on the plans filed in connection herewith as Moran's side track, and that said track is used and operated for the purpose of hauling coal and ice both to and from the place of business of your remonstrators, as well as for the purpose of icing cars being transported over the New York, Chicago & St. Louis Railroad, which cars contain perishable goods and merchandise. That in this regard your remonstrators would show that approximately 300 cars of both coal and ice are hauled over said sidetrack in the course of a year's business, and that in the event of the opening of said street it is the belief of your remonstrators that it would be necessary to drop said side track to the level of the grade for an approximate distance of eight hundred (800) feet, and that the cost of so dropping said side track to the level of said grade, based on a cost of Fifteen (\$15.00) Dollars per foot, would result in a loss and damage to your remonstrators of at least Twelve Thousand (\$12,000.00) Dollars.

Your remonstrators would further show that in the event said street is opened and said track lowered, as aforesaid, that it would be necessary to reconstruct the building wherein the ice is manufactured and stored by your remonstrators so as to meet the new grade which would necessarily be established in the opening of said street, and that in this connection it would be necessary to create an underpinning in order to give the proper support to the structure of said building for a distance of two hundred eighteen (218) feet, the entire length of said building, which in the belief of your remonstrators would cost on an estimated cost of Thirty (\$30.00) Dollars per foot, the total sum of Six Thousand Five Hundred Forty (\$6540.00) Dollars. And that in this connection it will be necessary

to create an excavation for new footings under said building at an estimated cost of One Thousand Seven Hundred and Twenty Six (\$1726.00) Dollars. It would also be necessary to construct a concrete retaining wall, which would contain on an estimate 340 yards of concrete at Sixteen (\$16.00) Dollars, or a total cost of Five Thousand Four Hundred and Forty (\$5440.00) Dollars. It would also be necessary for your remonstrators to rearrange the entire building for the general purposes of unloading ice and coal, which would include the rearrangement of the floor level of the interior of said building, installation of elevators, etc., at an estimated cost of Ten Thousand (\$10,000.00) Dollars. It would also be necessary to construct a new driveway at an estimated cost of Two Thousand Six Hundred and Sixty Eight (\$2668.00) Dollars, and that the excavation in connection therewith would be an additional estimated cost of Four Hundred and Forty (\$440.00) Dollars.

Your remonstrators would further show that they erected on said premises their own sewers, suitable and adaptable for the purposes necessary in the connection with the conduct of their business. That it would be necessary in the event of the opening of said street to rebuild said sewers at a probable estimated cost of Five Hundred (\$500.00) Dollars, and that if said street is opened it would also necessitate an assessment for the paving of streets at a cost in excess of Two Thousand (\$2,000.00) Dollars, in addition to whatever other assessments might be levied against your remonstrators as the result of the opening of said street, all of which is entirely problematical and uncertain at this time.

Your remonstrators would further respectfully show that in the event of the opening of said Berry Street from Monroe Street to Francis Street, as aforesaid, that your remonstrators would be damaged (including the damage specifically outlined herein) to the extent of approximately between Forty Five Thousand (\$45,000) and Fifty Thousand (\$50,000) Dollars, which would be far in excess of any benefits that could possibly be derived by your remonstrators

as the result of the opening of said street.

WHEREFORE your petitioners respectfully remonstrate against the opening of said street as is provided for in said resolution.

PETER A. MORAN ICE COMPANY

By

Frank J. Callahan

Frank J. Callahan

STATE OF INDIANA )  
ALLEN COUNTY ) SS;

Frank J. Callahan, being duly sworn, upon his oath says that the matters and facts set out in the above and foregoing remonstrance are true, as he verily believes.

Frank J. Callahan

Subscribed and sworn to before me this 20th day of February, 1924.

Margaret Mettler

My commission expires

Feb 28 - 1925

NO.

**STEPHEN A. CALLAHAN**  
ATTORNEY-AT-LAW  
FORT WAYNE, INDIANA

ATTORNEY FOR

## REMONSTRANCE

Fort Wayne, February 21,

1924

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate fronting ~~XX~~ 165 feet on Berry Street (between Clay & Monroe Streets) ~~XX~~ and 50 feet on Clay Street (between ~~XX~~ Main and Berry Streets) respectfully remonstrate against the passage of a resolution providing for the opening and extending Berry Street from Monroe Street to Francis Street. Declaratory Resolution No. 479 - 1924.

The property owned by us is described as follows:

Lots #8 and #9 and the West 35 feet of Lot #7 together with the 10 feet west which was formerly an alley (later vacated) and the North 50 feet of lot #10, all in Tabers Addition to the City of Fort Wayne, Indiana.

Among other reasons for our remonstrance is the following:

This property was purchased by us for the specific purpose of building a warehouse from which to conduct our wholesale business with Railroad facilities. The opening of this Street as contemplated will damage our property many thousands of dollars.

As & Perfect  
by Standard  
Secty - Treas  
U. until April 10th at 7:30 P.M.

REMONSTRANCE

Against the Passage of a Resolution for  
~~Opening~~

Opening and Extending  
Berry Street

from Monroe street

to Francis street

FILED WITH THE

Fort Wayne, Indiana

February 20th, 1924

TO THE HONORABLE BOARD OF PUBLIC WORKS  
OF THE CITY OF FORT WAYNE, INDIANA.

Gentlemen:

With reference to the DAMAGE CLAIM of the OLD FORT SUPPLY COMPANY, by reason of the extending of East Berry Street and the opening of Canal Street, east of Monroe Street in the City of Fort Wayne, we desire to submit -

That the greater part of our damage would consist of the elimination of our siding. If, however, this siding were to remain and so changed that direct access thereto could be had, our damages would not be great.

If, however, this siding were interfered with, our damages would be irreparable as it would put us out of business. We must have access direct to the railroad.

We appreciate your honest effort to meet the demands of citizens with reference to this project but respectfully ask you to consider carefully the plans with reference to irreparable damage being done to us if our siding is not protected.

If our siding is assured us by you, we could very easily come to an understanding with you.

Respectfully yours,

The Old Fort Supply Co.

By *Alonzo Zuber*  
Manager

To the Honorable  
Board of Public Works:

Comes now W. M. Wells and respectfully  
says that he is a tenant of the following described pro-  
perty to-wit:-

Beginning at the intersection of the  
southerly right-of-way line of the  
lessor, with the westerly line of Francis  
Street; thence westerly along said south-  
erly right-of-way line 136 feet to an  
angle; thence westerly along said south-  
erly right-of-way line 80 feet; thence  
northerly at right angles 20 feet; thence  
easterly at right angles 90 feet; thence  
easterly parallel with the first described  
course 100 feet; thence northerly at right  
angles 8 feet; thence easterly at right  
angles 24 feet; thence southerly at right  
angles 28 feet to the point of beginning.

Also beginning at a point on the southerly  
right-of-way line of the lessor distant  
230 feet westerly along said right-of-way  
line from it's intersection with the westerly  
line of Francis Street; thence westerly along  
said right-of-way line 100 feet; thence  
northerly at right angles 20 feet; thence  
easterly at right angles 100 feet; thence  
southerly at right angles 20 feet to the  
point of beginning.

That he leased said property from the New York,  
Chicago and St. Louis R. R. Company on the first day of  
June 1917; that he is still a tenant of said Railroad  
Company, and in all probability will remain as such tenant  
for years to come as indicated by his lease with said  
Company. That at the time he leased said premises, he  
immediately constructed certain coal sheds and established  
a Coal Yard on the premises leased, and has been occupying

said premises for such purpose, ever since he entered into possession of said premises.

That in order to better enable himself to carry on said coal business he had a track built to his coal bins, and the cost of the same was \_\_\_\_\_

2000 00 Dollars (\$) and in addition thereto he constructed a sewer on said premises at a cost of \$350.00, and that before he erected his coal sheds, and for the purposes of improving the premises as a coal yard he expended \$350.60 in filling in the premises. That he expended about \$5000.00 by way of improvements in establishing said coal yards, and that if he were compelled to remove same and re-locate, it would cost him in the neighborhood of \$15,000.00 and in addition thereto he would suffer loss because he would not be able to secure so good a location for a coal yard, and one that he could operate with so little expense, as he now can operate his present coal yard by reason of it's location along the right-of-way of the New York, Chicago, and St. Louis Railroad Company's lines.

Your petitioner further says that if the resolution opening Berry Street along the right-of-way of said Railroad Company is established, and said street opened that the opening thereof will be over the premises rented by this your petitioner, and that said opening of said street would absolutely destroy your petitioner's coal yard, to his damage in the sum of \$15,000.00. *That damage of property will exceed the sum of* ~~WHEREFORE~~ *remonstrates* ~~against the opening of said street~~ ~~allowed damages in that amount by reason of the premises above~~ ~~foresaid.~~

W. M. Wells.

Frank & Ernest  
atty for Revolution

STATE OF INDIANA      }  
                            } SS:  
COUNTY OF ALLEN      }

Subscribed and sworn to before me this  
14th day of February 1926.

Frank A. Ennis  
Notary Public

My comm. expires  
August 22nd, 1926

Prunettown

Wm. WEA,

McColloch.

## REMONSTRANCE

Fort Wayne, February 12th, 1924

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate ~~fronting on~~ located within the territory liable to be damaged by ~~from~~ the opening and extending of Berry Street from Monroe Street to Francis Street

respectfully remonstrate against the passage of a resolution providing for opening and extending of Berry Street from Monroe Street to Francis Street.

Peter A. Moran See Co.  
by Frank J. Gallaham  
J. W. Ausstrup  
Mary Chauzy et  
J. M. M. Finch  
Benjamin W. Bright  
W. M. Wells  
Florence C. Osterman  
John H. Eggleys  
John B. Schenck  
Frank J. Gallaham

|                   |                |
|-------------------|----------------|
| 801-811           | Monroe St.     |
| 701               | East Wayne St. |
| 703               | E. Wayne St.   |
| 707               | E. Wayne St.   |
| 717               | E. Wayne St.   |
| Francis & Erie St |                |
| 719               | E. Wayne St.   |
| 723               | E. Wayne St.   |
| 735               | E. Wayne St.   |
| 801               | Monroe St.     |

(P)

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## REMONSTRANCE

*Against the Passage of a Resolution for  
Improving*

*from* \_\_\_\_\_  
*street* \_\_\_\_\_

*to* \_\_\_\_\_  
*street* \_\_\_\_\_

FILED WITH THE

BEFORE THE BOARD OF PUBLIC WORKS  
OF THE  
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA.

REMONSTRANCE of The New York, Chicago & St. Louis Railroad Company against the adoption, confirmation of resolution reported to be adopted by said Board of Public Works of the 24th day of January, 1924, and set for hearing February 14, 1924, at 7:30 o'clock P. M., also against the opening and the extension of Berry Street from Monroe Street to Francis Street as provided for in said resolution, which resolution is in the words and figures following, to-wit:

And said The New York, Chicago & St. Louis Railroad Company remonstrates against the said resolution, confirmation of the same and the opening and extending of Berry Street from Monroe Street to Francis Street, for the following causes and reasons, viz:

I. The said The New York, Chicago & St. Louis Railroad Company owns and operates a line of railroad extending from the City of Chicago, in the State of Illinois, through the State of Indiana, including the City of Fort Wayne, and the states of Ohio, Pennsylvania and New York, to the City of Buffalo, New York, together with other railroad lines connecting therewith, including what is known and called the Lake Erie & Western Railroad, connecting with the said The New York, Chicago & St. Louis Railroad at the City of Fort Wayne and other points in the State of Indiana and other states; that it is engaged in state and inter-state commerce, in the transportation of passengers and freight, over its lines of railroad; that it owns all of the land sought to be appropriated for the establishment and extension of said Berry Street between Monroe Street and Hanna Street, from the North line of Moran's Subdivision

of lots numbered 24, 25, 26 and 27 of Tabers Addition, and Taylors Sub-division of lots 387 and 386 Hanna's Addition; that the plan shown by a plan of such proposed opening and extending of Berry Street, now on file in the office of the Department of Public Works of said City, shows that thirty (30) feet of the street, so to be opened and extended, is Canal Street and Moran's Railroad Track, but that, as a matter of fact, said strip of land, shown as being Canal Street and Moran's Railroad Track, was a part of the Wabash and Erie Canal and was purchased, and is owned, by the New York, Chicago & St. Louis Railroad Company; that there has never been any such street as Canal Street legally established, as is shown upon said plan of opening; that the city has never approved any plat and has never accepted or recognized any such street as Canal Street, and that, as a matter of fact, what is designated as Canal Street and Moran's track is the property of The New York, Chicago & St. Louis Railroad Company, as well as the twenty (20) feet of the North part of said proposed extension of Berry Street between Monroe Street and Hanna Street; that the proposed extension of said Berry Street from Hanna Street to Francis Street will occupy and appropriate a strip twenty-five (25) feet wide off of the property of The New York, Chicago and St. Louis Railroad Company; that there has been constructed, and been in use for a long number of years, a track extending from the main tracks of The New York, Chicago & St. Louis Railroad Company, immediately along the North side of Moran's Sub-division of Tabers Addition and Taylors Sybdivision of Hannas Addition, as described in said resolution; that said track connects with what is known as the Moran Ice Plant, and that it was constructed and has been and is now is use by the New York, Chicago & St. Louis R. R. Co. in inter-state commerce in the shipment of carloads of coal and other material from states other than Indiana over the tracks of The New York, Chicago & St. Louis R. R. Co. and delivery at said Moran Ice Plant on said railroad track, so constructed for the purpose of conducting its

inter-state commerce business in the receipt and shipment of coal and other carloads of products to and from said Moran Ice Plant from and to other and different states than Indiana; that connecting with the other main track of The New York, Chicago & St. Louis Railroad Company East of Francis Street there is a track extending from the main tracks of said Company for more than half block, which is owned, occupied and used by The New York, Chicago & St. Louis Railroad Company for the purpose of conducting its inter-state business and delivering carloads of coal and other products of the Wells Coal Company, situated immediately West of Francis Street and on what would constitute a part of the proposed extension of Berry Street; that said proposed extension of Berry Street would destroy the use of said tracks and interfere with inter-state commerce conducted by the said The New York, Chicago and St. Louis R. R. Co. and prevent said The New York, Chicago and St. Louis R. R. Co. from conducting its inter-state commerce asnow conducted by it over said tracks aforesaid.

II. Said The New York, Chicago & St. Louis Railroad Company further remonstrates against said resolution, the confirmation of the same and the extension of Berry Street, as proposed by said resolution, for the reason that the ground, over which said proposed extension of said street is to be established and particularly that portion of it between Monroe and Hanna Streets and portions between Hanna Street and Francis Street, is much lower than at Monroe Street and Francis Street, at some places as much as twenty (20) feet lower, and that to improve said street and make it suitable for public travel, the same would have to be raised to a level of the lands to the South of it and the points at Monroe

Street and Francis Street, and that such improvement could not be accomplished within the fifty (50) feet so designated for the width of Berry Street extended, but in the filling of said street to a proper and suitable height for travel, it would extend over and appropriate a strip at least twenty (20) feet in width North of the proposed width of the street, as provided for in said resolution and would be appropriating at least twenty (20) feet of the lands of The New York, Chicago & St. Louis Railroad Company without any compensation whatsoever.

III. The New York, Chicago & St. Louis Railroad Company respectfully represents and remonstrates against the confirmation and approval of said resolution and the extending of said Berry Street, as proposed by said resolution, for the reason that its said railroad between the cities of Chicago, Illinois and Buffalo, New York, including Fort Wayne, and all other points between the cities of Chicago and Buffalo, and in connection with its other lines of railroad, so owned and operated by it, **together** with other railroads conducting inter-state business, is engaged in inter-state commerce in the transportation of passengers and freight in carload and other amounts of freight, and that the country along the line of said railroad, including the City of Fort Wayne, is constantly improving and the business increasing, and for the accommodation of the general public and to enable it to take care of and conduct the inter-state commerce business, demanded of it as a railroad and required to be conducted by it, the said The New York, Chicago & St. Louis Railroad Company has been largely increasing its facilities all along the line of its railroad, building double tracks and sidetracks, and recently purchased a large tract of land immediately East of Fort Wayne for the purpose of erecting yards, roundhouses and shops for the conducting of its business, as well as maintaining one in the West part of Fort Wayne at the present time, and that it contemplates, and intends to,

and will within a very short time increase the number of its other tracks in the City of Fort Wayne to at least four instead of the two now maintained by it, and in the building and constructing and operating of said tracks will require all of the land available for railroad purposes owned by it between Monroe Street and Francis Street in the City of Fort Wayne, including that portion which the resolution proposes to convert to, and use for, the opening and extending of Berry Street from Monroe Street to Francis Street, and that to permit the condemnation and appropriation for street purposes a parallel line of the width proposed by said resolution, will materially interfere with and obstruct the business of said Railroad Company in the building of its necessary tracks for the conducting of its inter-state commerce when such tracks are completed, and that the said City of Fort Wayne has no authority to appropriate said parallel portion of said right of way of The New York, Chicago and St. Louis R. R. Co. for street purposes, and has no authority to pass said resolution and adopt the same and to construct said extension of Berry Street, as proposed, for the reason that it will interfere with the operation of said railroad in the conducting of its inter-state commerce business.

IV. The New York, Chicago, and St. Louis R. R. Company further remonstrates against the resolution proposed in this case and the adoption of the same and the extending of Berry Street, as proposed in said resolution from Monroe Street to Francis Street, for the reason that the City of Fort Wayne, by its Board of Public Works, has adopted a resolution providing for the elevation of the tracks of said The New York, Chicago and St. Louis Railroad Co. through the City of Fort Wayne, and to make sub-ways at its various streets for the crossing and re-crossing of said railroad; that said city is proposing to immediately compel the elevation of the tracks of said The New York, Chicago and St. Louis Railroad Co. through said City of

Fort Wayne, and that to do so, at such reasonable height as will permit sub-ways to be properly conducted and used through and under said railroad at various street crossings, will require an elevation of said railroad tracks in said city and between Monroe Street and Francis Street of at least twenty-five (25) feet or more, and that to so elevate said tracks will require, in addition thereto, a large slope which will cover and occupy and include the entire right of way of said The New York, Chicago & St. Louis Railroad Company through said City and between Monroe Street and Francis Street, including the portion of said right of way sought to be appropriated for the extension of Berry Street under the resolution hereinbefore set out.

V. Said The New York, Chicago and St. Louis R. R. Co. further remonstrates against said resolution, the confirmation of the same and the extension of Berry Street, as proposed by said resolution, for the reson that there is no public necessity for the extension and construction of Berry Street, as proposed in said resolution; that on the East side of Monroe Street there would be less than a block between said proposed extension and Wayne Street upon the South, and that said proposed street runs Southeast to the East side of Hanna Street where the proposed extended street would be only one hundred seven (107') feet North of the North line of Wayne Street; and at Francis Street it would be less than one block from Wayne Street; that said Berry Street connects with and Monroe Street and Monroe Street connects with Wayne Street, at the East end of such proposed extension Francis Street connects with Erie Street on the East and with Wayne Street on the South, so that there would be no material gain ~~xxx~~ in the travel between Monroe Street and Francis Street by reason of the proposed extension of Berry Street, and that Wayne Street is one of the main streets extending entirely through said city and does and will afford amply transportation for all traveling in the East part of said City, which would pass over either

Wayne Street or Berry Street if the same were extended as proposed by said resolution; that there would be no lots fronting on the proposed extension of Berry Street between Monroe Street and Francis Street, but that all of the frontage of said lots are to the South on Wayne Street, and there is no necessity whatever for the extension of said Berry Street; that to extend said Berry Street, grade and pave the same from Monroe Street to Francis Street would cost at least the sum of Forty Thousand (\$40,000.00) Dollars, and that the damages resulting to the New York, Chicago and St. Louis Railroad Co. by reason of the establishment of said proposed extension of Berry Street and the appropriation of its lands for such extension would amount to at least fifty thousand (\$50,000.00) Dollars.

WHEREFORE, The New York, Chicago and St. Louis R. R. Co., asks that upon the hearing of said resolution the same be set aside and cancelled and that no further proceedings be had in the premises and for all proper orders for the termination of all action under said resolution.

THE NEW YORK, CHICAGO & ST. LOUIS R. R. CO.

BY Walter Olds  
Its Attorney.

Wayne Street or Berry Street if the same were extended as proposed by said resolution; that there would be no lots fronting on the proposed extension of Berry Street between Monroe Street and Francis Street, but that all of the frontage of said lots are to the South on Wayne Street, and there is no necessity whatever for the extension of said Berry Street; that to extend said Berry Street, grade and pave the same from Monroe Street to Francis Street would cost at least the sum of Forty Thousand (\$40,000.00) Dollars, and that the damages resulting to the New York, Chicago and St. Louis Railroad Co. by reason of the establishment of said proposed extension of Berry Street and the appropriation of its lands for such extension would amount to at least fifty thousand (\$50,000.00) Dollars.

WHEREFORE, The New York, Chicago and St. Louis R. R. Co., asks that upon the hearing of said resolution the same be set aside and cancelled and that no further proceedings be had in the premises and for all proper orders for the termination of all action under said resolution.

THE NEW YORK, CHICAGO & ST. LOUIS R. R. CO.

BY Walter Olds  
Its Attorney.

*R. H. Eckles*  
J. H. ECKLES,  
JUSTICE OF THE PEACE  
WAYNE TOWNSHIP

FORT WAYNE, IND.

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To Your Honorable Body The Board of  
Public Works: We the undersigned Citizens  
of Fort Wayne Indiana do here in petition  
and request for the public use and well  
fare that you now open, extend and improve  
East Berry Street from Monroe Street East to  
Hanna Street and thence East to Francis Street  
to coincide with Erie Street and that you  
take and condemn such portion of the south side  
of the  
Railroad and of the North  
ends of the lots at the south side line of between  
said Hanna and Francis Streets as may be  
necessary thereto and that you widen said  
Erie Street on the south side between Francis and  
Hanna Streets so that the south line may  
coincide and be in line with the South line  
of said Erie Street running East beyond Hanna  
Street so as to eliminate any <sup>dangerous</sup> jog in said Erie Street  
there and on to Arbor & Blvd. And that the  
City Engineer be authorized immediately to  
make a survey what property shall be taken  
therefor. And that the name of said Erie street

to change to East Berry street  
Signed by  
John H. Eckles 721 and 723 E. Wayne street

See. No 479

Petition for the opening and  
Extending of East Berry Street  
from Monroe Street to Francis  
Street.

RECD & PLACED ON FILE

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